

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

TODD C. BANK, Individually and on Behalf of
All Others Similarly Situated,

1:18-cv-04536-WFK-JO

Plaintiff,

-against-

EVAN T. SIRLIN,

Defendant.

REQUEST FOR CERTIFICATE OF DEFAULT

To: Douglas C. Palmer
Clerk
United States District Court
Eastern District of New York

Please enter the default of Defendant, Evan T. Sirlin, pursuant to Rule 55(a) of the Federal Rules of Civil Procedure for failure to plead or otherwise defend against this action as fully appears from the court file herein and from the attached declaration of Todd C. Bank.

Dated: September 20, 2018

s/ Todd C. Bank

TODD C. BANK
ATTORNEY AT LAW, P.C.
Todd C. Bank
119-40 Union Turnpike
Fourth Floor
Kew Gardens, New York 11415
(718) 520-7125
By Todd C. Bank

Counsel to Plaintiff

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

TODD C. BANK, Individually and on Behalf of
All Others Similarly Situated,

1:18-cv-04536-WFK-JO

Plaintiff,

-against-

EVAN T. SIRLIN,

Defendant.

DECLARATION OF TODD C. BANK

1. I am the plaintiff in the above-captioned matter.
2. This action was commenced pursuant to 47 U.S.C. Section 227 and New York General Business Law (“GBL”) Section 399-p.
3. The time for Defendant, Evan T. Sirlin, to answer or otherwise move with respect to the complaint herein has expired.
4. Defendant has not answered nor otherwise moved with respect to the Complaint, and the time for Defendant to answer or otherwise move has not been extended.
5. Defendant is not an infant nor incompetent. Defendant is not presently in the military service of the United States as appears from facts in this litigation.
6. Defendant is indebted to Plaintiff, Todd C. Bank, for \$4,650 based on the following: statutory damages of \$1,500, pursuant to 47 U.S.C. Section 227(b)(3)(C), for each of three violations of 47 U.S.C. Section 227(b)(1)(B); and statutory damages of \$50 based on statutory damages of \$50, pursuant to New York General Business Law Section 399-p(9), for each of three violations of New York General Business Law Section 399-p(3)(a).

WHEREFORE, Plaintiff, Todd C. Bank, requests that the default of Defendant, Evan T. Sirlin, be noted and that a certificate of default be issued.

I declare under penalty of perjury that the foregoing is true and accurate to the best of my knowledge, information, and belief, that the amount claimed is justly due to Plaintiff, that no part thereof has been paid, and that the disbursements sought to be taxed have been made in this action or will necessarily be made or included in this action.

s/ Todd C Bank
Todd C. Bank
Executed on September 20, 2018